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C O N F I D E N T I A L SECTION 01 OF 04 KUALA LUMPUR 001218

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STATE FOR EAP/MTS AND DRL -- SARAH BUCKLEY

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TAGS: PGOV PHUM SOCI KPAO MY

SUBJECT: VIRTUAL LIMITS: MALAYSIA ATTEMPTS TO REIN IN BLOGGERS

REF: KUALA LUMPUR 1155 - POLICE DETAIN ANWAR AIDE

Classified By: Classified By: Political Section Chief Mark D. Clark for reasons 1.4 (b and d).

Summary

¶11. (C) Bloggers fear the recent police actions against two prominent online political commentators, Nathaniel Tan and Raja Petra Kamaruddin, presage a Government of Malaysia (GOM) crackdown on the freedoms of speech and the press in cyberspace. GOM leaders and officials from the dominant United Malays National Organization (UMNO) justified the moves as necessary to check irresponsible bloggers who incite racial and religious hatred. The GOM has announced its readiness to use the Internal Security Act, the Sedition Act, and Section 121b of the Penal Code against bloggers, and there is some discussion of introducing new legislation to plug legal loopholes. Prominent political leaders including the Prime Minister and Deputy Prime Minister are warning bloggers and cyber-activists they are not immune from the law, and will face prosecution for transgressions such as insulting Islam and the King, and inciting the population through "lies" on websites. Opposition leaders and human rights NGOs are condemning the police actions and public threats, stating these are politically motivated and meant to instill "a news blackout" and squelch dissent prior to the anticipated general elections. The Internet is Malaysia's last bastion of press freedom and the arena for incessant rumor-mongering among the country's elites. Opposition parties and government critics rely heavily on the Internet because the GOM controls access to traditional media outlets to favor UMNO and the ruling National Front (Barisan Nasional, BN). The GOM clearly has fired a warning shot into cyberspace in an effort to rein in outspoken critics. End Summary.

First salvo fired against cyber-activists

¶12. (SBU) The GOM fired its opening salvo on Internet bloggers on July 13 when it arrested Nathaniel Tan, a People's Justice Party (PKR) webmaster and blogger, after corruption allegations against Deputy Internal Security Minister Johari Baharom were posted by a third party on Tan's website (reftel). When police detained Tan, they reportedly denied him access to his lawyer, the chance to inform his family of his arrest, and concealed his whereabouts while processing his arrest. P. Uthayakumar, a coordinator for the NGO Police Watch, spotted Mr. Tan when police took him before a magistrate and notified Mr. Tan's lawyer of his whereabouts. Tan, released on bail after four days, was held for suspicion of "wrongful communication of an official

secret." While police reportedly questioned Tan regarding information on the Johari corruption story, Tan's lawyer, R. Sivarasa, stated, "I want to go on record (to say) this detention is politically motivated."

¶3. (U) Lim Kit Siang, Parliamentary Opposition Leader and member of the Democratic Action Party (DAP), condemned the "secretive circumstances in the first seven hours of Tan's arrest". He also called it "a scandal which speaks of a police which has yet to fully accept that the first principle of policing in a democratic system must be policing for the people and not policing to serve the government leaders of the day." Former Deputy Prime Minister Anwar Ibrahim, the human rights NGO Suaram, the Malaysian Bar Council, the Center for Independent Journalism, and the World Organization Against Torture (OMCT) all condemned Mr. Tan's arrest while The Sun newspaper described his arrest as "politically motivated."

UMNO Takes On Cyber Gadfly

¶4. (U) UMNO Information Chief Muhammad Muhammad Taib filed a police report on July 23 (11 days after Mr. Tan's arrest) against the political website Malaysia Today and its outspoken webmaster Raja Petra. A cousin to the current Sultan of Selangor, Raja Petra set up his website in 2004 and it is now one of the most popular news websites in the country. About 30 UMNO leaders accompanied the Information Chief when he filed the police report. He claimed the postings and articles were disrespectful to the King and Islam, and had the potential to "create unrest in the country and strike fear in the people." The UMNO Information Chief urged the police to take swift action, and stated the portal's contents could undermine unity and corrupt young minds "to think that there are no rules and sensitivities governing articles and that anyone can write on any matter in the name of individual freedom."

¶5. (U) Several senators and defacto Law Minister Nazri Abdul Aziz joined the chorus in the subsequent days. Nazri stated the government would take legal action against bloggers who flagrantly belittle Islam or the King using three laws: the Internal Security Act (ISA), the Sedition Act, and Section 121b of the Penal Code (which relates to offenses against the King, Sultans, or Governors that entails life imprisonment if convicted). He cited as an example a blog entry belittling Islam in which the writer described the religion as, "a big lie fabricated by Arabs who had put a huge rock (the Kaabah) in the middle of the desert." The Minister claimed the comment was not only ill mannered but could provoke anger among Muslims. Nazri also stated the government was considering formulating new laws allowing it to monitor and act against offending bloggers, and closing any legal loopholes. He stressed that the proposed legislation's intent is not to strangle the freedom of the Internet but to put a stop to the "freedom to lie in the blogosphere." The Minister explained, "We want blogs to be clean, a place to obtain accurate information, a reference point for honest opinion, not a platform to abuse and slander people."

¶6. (SBU) Deputy Prime Minister Najib Razak, who has been savaged in Malaysia's blogs for corruption and alleged tie-ins to the Altantuya murder scandal, explained to the public June 23 that UMNO Information Chief's filing of the police report against Raja Petra did not signal the GOM made a "special decision" to clamp down on bloggers. He added, "everyone must be aware that there are laws in this country." However, the DPM's comments regarding bloggers were harsher later that night while speaking at the Malaysian Press Institute Press Awards. There, he noted the government was deeply troubled by the growth of "irresponsible" alternative media. He explained, "In the name of freedom, these websites allow the broadcast of slander, lies, and swearing, the use of harsh, degrading language and racial slurs without regard for the reader or those concerned." He stressed the government's tolerance of antigovernment positions and criticisms on the Internet, but "we are very concerned about

statements that insult religion and reek of racism." He warned that webmasters and web journalists are not exempt from laws and the GOM "will not permit any party to disturb the nation's harmony and cause unease among the community."

Police Summon Raja Petra

¶17. (U) Raja Petra, not known for his subtlety, responded immediately to the UMNO Information Chief with a flaming article entitled, "See you in hell Muhammad son of Muhammad," which also recalled prior corruption charges against his detractor and highlighted Raja Petra's family ties to royalty. On July 25, police called in Raja Petra for 8 hours of questioning before releasing him. Raja Petra claimed that UMNO's police report and his questioning was part of "an agenda to clamp down on blogs before the coming general election in a move to black out news."

¶18. (U) Many of the same opposition politicians and activists who rallied behind Nathaniel Tan raised further alarm over Raja Petra's predicament. Opposition leader Lim Kit Siang stated the police report against Raja Petra was an attempt to clampdown on "criticism, dissent, and expose (sic) of abuses of power and corrupt practices in the run-up to the coming general election." He added that the government should not use criminal laws "to arrest, intimidate, and silence any one." Understandably, the blogging community immediately came out in support of Raja Petra. They claim the police report against Malaysia Today and Nathaniel Tan's earlier arrest represent a GOM attempt to intimidate other bloggers and clampdown on "press freedom in cyberspace." Dr. Toh Kim Win, a Penang Gerakan state cabinet minister, was the only prominent government leader to voice support for the blogging community. He said UMNO's police report (against Raja Petra) represents a "growing trend towards stifling dissent in our country." He added, "These trends, if not stopped, will further erode the democratic space, which is already limited, in our country." He urged the government to promote not only economic development, but also human rights. With no apparent sense of irony, former Prime Minister Mahathir, himself once a champion of muzzling the press, described the government's attempt to clampdown on bloggers as an exercise in futility, one that wouldn't stop information flowing over the Internet.

PM Weighs In, Finds Himself Subject of Police Complaint

¶19. (SBU) Upon returning from his honeymoon travel, Prime Minister Abdullah Badawi weighed in, warning on July 29 that Malaysia's laws would not spare those who spread "lies" on the Internet. Abdullah added bloggers and Internet posters "do not have the freedom to do whatever they like." Responding to Raja Petra's claim police cannot charge him under Malaysian law because his site is registered overseas, the Prime Minister said, "It is not for them (bloggers) to claim that they are immune from the law simply because their websites are hosted overseas where they have the right to say anything."

¶10. (U) In an ironic tit-for-tat act, opposition DAP member Ronnie Liu Tian Khiew filed a police report regarding a "seditious posting" on the Prime Minister's official website, originally posted on November 14, 2005. The posting conveyed anti-Chinese sentiments. Raja Petra reported the filing on his website, adding he expected the police to respond to the filing and question the Prime Minister within two days, as they had done with him. The postings were removed on July 30 after they were made public and a police report filed.

¶11. (SBU) Until recently, the GOM generally has refrained from actively policing political content the Internet, in part out of a pledge made to foster development of the Multimedia Super Corridor (MSC) and the Internet market in Malaysia. Beginning in 2004, the GOM began making statements on the need to introduce "cyber laws to control the Internet," but it made little use of the regulatory authority

over on-line speech vested in the Communications and Multimedia Commission. In December 2006, Kong Cho Ha, Deputy Minister of Science, Technology and Innovation, stated Malaysia may introduce tough Internet laws to control bloggers and prevent them from spreading "disharmony, chaos, seditious material and lies" on their websites. Early in 2007, some senior Embassy contacts alluded to internal GOM discussions on ways to rein in Internet news reporting and bloggers in particular. In January 2007, Prime Minister Abdullah Badawi said although government policy is not to censor the Internet, "bloggers are bound by laws on defamation, sedition, and other limits of speech." The Prime Minister's comment referred to the defamation lawsuit filed by the News Straits Times (NST), an English language newspaper owned by UMNO, against Jeff Ooi and Ahirudin Atan (aka Rocky), another prominent blogger, for their blogs and their readers' comments regarding the newspaper's editors' roles in misrepresenting facts, publishing a caricature of the Prophet Muhammad, and alleged plagiarism by its journalists. Given UMNO's control over the NST, the paper's lawsuit is seen by many as the GOM's first move against cyber-activists and bloggers.

Comment

¶12. (C) With the mainstream media -- television, print and radio -- largely under the thumb of UMNO and the ruling National Front, and a number of important national topics ruled out of bounds, including most recently the "Islamic state" controversy, the Internet is the remaining bastion for wide ranging criticism of the government and discussion of otherwise taboo political subjects. The Internet is also the focus of incessant rumor-mongering among the country's elites, honed to a fine art by the likes of Raja Petra who kept the milling turning, often without any solid information to back up his sensational reports. Opposition figures, largely unable to access the mainstream press, rely heavily on the Internet to reach Malaysia's computer-savvy upper class, while realizing that this information does not readily penetrate down to the grassroots. The Internet has helped government critics fan corruption stories, aided Mahathir in his ill-fated challenge against PM Abdullah last year, and kept alive allegations of DPM Najib's links to the Altantuya murder case.

¶13. (C) The GOM clearly has fired a warning shot into cyberspace in an effort to rein in outspoken critics ahead of the impending elections; government pressure on the blogging community through complaints and police actions seems very much tied to the preparation of the election ground. Senior government officials and UMNO leaders have made clear that the sniping from cyberspace rankles deeply, and UMNO has a strong interest in weakening the opposition's electronic platform at this particular time. Even if this does not evolve into a real crackdown, the government warnings and criminal investigations of Tan and Raja Petra could send a chill through Malaysia's boisterous Internet community that will temper some voices. We doubt, however, that others will allow themselves to be silenced and the GOM, like other governments, will find the Internet difficult to constrain. The Embassy supports freedom of speech on the Internet through active and carefully calibrated public affairs programming, including through expert U.S. speakers and support to seminars, and we seek to engage government and opinion leaders behind the scenes to preserve Internet space for the broad range of Malaysian viewpoints.

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